

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Donald Nobles,

Plaintiff,

v.

MBNA Corporation, et al.,

Defendant.

No. C 06-3723 CRB (JL)

**ORDER RE FRCP 30(b)
DEPOSITIONS**

The Court received the parties' joint statement regarding the scheduling of Defendants' depositions pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure. Plaintiff seeks these depositions as part of the preparation for filing his motion for class certification by the April 14, 2008 deadline. Class certification briefing has been previously extended, and Plaintiff seeks to avoid delaying it again.

Plaintiff first noticed these depositions in October 2007. The parties met and conferred regarding scheduling during the first week of December 2007. Plaintiffs claim delay resulted from Defendants' not producing documents that Plaintiff's counsel needed to review prior to the depositions, despite their agreement to complete rolling discovery by February 29, 2008.

Defendants contend the delays have resulted from Plaintiff's "14 broad and ill-defined subjects," as well as his filing a Second Amended Complaint on December 31, 2007 that broadens the scope of his claims. Defendants also claim the burden of reviewing


1 for privilege part or all of 130 boxes of documents. Furthermore, there have been employee
2 changes during the duration of the case, some employees are no longer familiar with day-
3 to-day operations which impact the subject matter of the depositions, and other employees
4 (Christine Costamagna and Tim Hanrahan) have vacations scheduled "around Easter."
5 Defendants offer four witnesses, covering 12 of the 14 subject matters on behalf of most of
6 the defendants: Adam Jones on March 25, Christine Costamagna on March 27, Tim
7 Hanrahan on April 3, and John Aird on April 9.

8 Plaintiff contends that this proposed schedule ends too close to the filing deadline of
9 April 14, that Defendants have sought neither a protective order nor an extension of time,
10 and that the Court should order Defendants to produce their Rule 30(b)(6) designee Mr.
11 Hanrahan as to Subject Matters Nos. 5-6 and Subject Matter No. 9 with respect to repricing
12 on March 26 or 27, 2008, and a designee for the remaining Subject Matters (Nos. 3-4, 7-
13 8, 10-14, and the remainder of No. 9) during the week of March 17, 2008.

14 The Court reviewed the submissions of the parties and the record in this case and
15 the applicable law and concludes that the depositions shall go forward as proposed by
16 Plaintiff. The Defendants' proposal does not give Plaintiff sufficient time to prepare and file
17 the motion for class certification, the deadline for which has already been extended.
18 Defendants have been on notice of these depositions for nearly five months, are
19 responsible for significant delay in production of documents, and have received an
20 extension of time to file and have filed their answer to the second amended complaint. In
21 addition, Defendants have filed neither a motion for protective order nor a request that the
22 district court extend the deadline for class certification briefing. It would be unjust and
23 prejudicial to Plaintiff to subject him and his counsel to the brunt of the discovery logjam.

24 IT IS SO ORDERED.

25 DATED: March 10, 2008

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JAMES LARSON
Chief Magistrate Judge